

REMARKS

The above Amendments and these Remarks are in reply to the outstanding Office Action in the above-identified patent application. Claims 1, 4-25, 27-28, 30-40 and 42 are pending. Claims 2-3, 26, 29, 41 and 43-62 have been cancelled to expedite prosecution. Claims 1, 4-11, 15-25, 27-28, 30-31, 37-38 and 42 have been amended.

Claims 3, 4, 7-9, 17-22 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 has been amended to include many of the limitations of claims 2 and 3 and therefore claim 1 is believed allowable.

Claim 4 has been amended to include many of the limitations of claims 1 and 2 and therefore claim 4 is believed allowable.

Claims 5-16 ultimately depend from rewritten claim 4 and therefore claims 5-16 are believed allowable.

Claims 17-22 have been rewritten in independent form, having similar limitations to claim 1, and therefore claims 17-22 are believed allowable.

Claims 1, 2, 43, 44 and 50-56 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,243,776 (*Lattimore*). While the applicant's attorney disagrees with the Examiner's rejection based on *Lattimore*, the above amendments render the rejection moot.

Claims 5-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Lattimore* in view of U.S. Publication No. 2003/0158994 (*Moy*). While the applicant's attorney disagrees with the Examiner's rejection based on *Moy*, claims 5-6 depend from claim 4 and therefore are believed allowable.

Claims 10-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Lattimore* in view of U.S. Publication No. 2005/0080942 (*Ogilvie et al.*). While the applicant's attorney disagrees with the Examiner's rejection based on *Ogilvie et al.*, claims 10-14 depend from claim 4 and therefore are believed allowable.

Claims 15-16, 25-28 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Lattimore* in view of U.S. Patent No. 5,771,356 (*Leger et al.*). Claims 15-16 are believed allowable as stated above.

Claim 23 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Lattimore* in view of U.S. Patent No. 5,485,602 (*Ledbetter et al.*). While the applicant's attorney disagrees with the

Examiner's rejection based on *Ledbetter et al.*, claim 23 depends from claim 4 and therefore is believed allowable.

Claim 24 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Lattimore* in view of U.S. Patent No. 5,265,211 (*Amini et al.*). While the applicant's attorney disagrees with the Examiner's rejection based on *Amini et al.*, claim 24 depends from claim 4 and therefore is believed allowable.

Claims 31-41, 45 and 46 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Lattimore* in view of U.S. Patent No. 6,606,576 (*Sessions*). While the applicant's attorney disagrees with the Examiner's rejection based on *Sessions*, claims 31-40 depend from claim 4 and therefore are believed allowable and claims 41, 45 and 46 have been cancelled.

Claim 42 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Lattimore* in view of U.S. Publication No. 2004/0054830 (*Craft et al.*). While the applicant's attorney disagrees with the Examiner's rejection based on *Craft et al.*, claim 42 depends from claim 4 and therefore is believed allowable.

I. Rejection of Claims 15-16, 25-28 and 30 under 35 U.S.C. §103(a)

Claims 15-16, 25-28 and 30 are rejected under U.S.C. §103(a) as being unpatentable over *Lattimore* in view of *Leger et al.* In rejecting claims 25-28 and 30, the Examiner stated:

Leger discloses the use of a threshold value (see threshold in the abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a threshold value as taught by *Leger* in the system of *Lattimore*... Office Action, page 6.

Applicant's attorney respectfully disagrees. The Abstract of *Leger* discloses the use of a "FIFO data level" as "a threshold value." There is no disclosure of using "a threshold value that represents a minimum bandwidth," "maximum temperature," "power consumption," or "minimum latency value" as called for in claims 25-28 and 30. The Examiner has not identified with any particularity where these specific "threshold value" claim limitations are described in *Leger* and what "control logic" described by *Leger* "output[s] the control signal in response to the threshold value that represents [a minimum bandwidth], [maximum temperature], [power consumption], or [minimum latency value]."

Therefore it is respectfully requested that the rejection of claims 15-16, 25-28 and 30 under 35 U.S.C. §103(a) be withdrawn.


II. Conclusion

Based on the above Amendments and these Remarks, reconsideration of claims 1, 4-25, 27-28, 30-40 and 42 is respectfully requested.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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